

SB 67 – Missing Persons Bill

Montana Department of Justice

Two changes to the National Child Search Assistance Act of 1990 impact Montana's Missing Children Act of 1985:

1. Federal law defines a missing child as any person reported missing under the age of 21.
2. Federal law requires the entry of all missing children into the FBI's National Crime Information Center (NCIC) Missing Persons File within 2 hours of receipt of the report.

1. Suzanne's Law

Federal law defines a missing child as any person reported missing under the age of 21. 42 USC Sec. 5779(a) "In general each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of **21** reported to such agency to the National Crime Information Center of the Department of Justice.

Suzanne "Suzy" Lyall

Missing since March 2, 1998

Her parents Mary and Doug Lyall knew something was wrong after her boyfriend notified them Suzanne never came home from her part-time job that night. Suzy was 19, a sophomore at the University of Albany, NY and she was missing. Her parents notified the University and law enforcement, but she was an adult... confusion on adult missing person reports delayed and hindered the investigation. Mr. & Mrs. Lyall did not want that to happen to another family, so they went to work pursuing legislation – first in the State of New York, and then nationally, to change the definition of a missing child to any person reported missing under the age of 21 years old.

Montana's Missing Children Act of 1985 defines a missing child as a person under 18 years of age (44-2-505(1)(a)). This definition needs to be updated to avoid confusion among Montana's law enforcement agencies and promote a timely response to missing person reports.

2. Adam Walsh Child Protection and Safety Act of 2006

The National Child Search Act of 1990, a subsection of the Crime Control Act of 1990, initially required law enforcement agencies to "immediately" enter a child reported missing into the FBI's National Crime Information Center (NCIC) Missing Person File. The Adam Walsh Child Protection and Safety Act of 2006 clarified the term "immediate" to within 2 hours of the missing person report:

Adam Walsh

Adam was abducted from a Sears department store in Hollywood Florida on July 27, 1981. His head was found by fisherman in Vero Beach, Florida on August 10, 1981. His body has never been recovered.

Transient Ottis Toole confessed to the murder of Adam. Mr. Toole later recanted his confession, but before a trial could take place, he died of liver failure in September 1996. It is believed Mr. Toole murdered Adam and the case has been officially closed.

As a result of this tragedy, John & Reve Walsh have worked tirelessly as advocates for missing person, sex offender and victim's rights legislation. The Adam Walsh Child Protection and Safety Act of 2006 was a major achievement from their life's work.

The FBI CJIS audit of Montana conducted in June 2014 found some Montana law enforcement agencies failed to "ensure Missing Person File records for individuals under the age 21, are entered within 2 hours." Updating Montana's Missing Children Act of 1985 to clarify the 2 hour entry requirement will assist with bringing Montana's law enforcement agencies into compliance on this issue in the future.